



Seattle Department of
Construction & Inspections

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF
THE SEATTLE DEPARTMENT OF
CONSTRUCTION AND INSPECTIONS**

Record Numbers: 3029801-LU & 3030630-LU

Applicant Name: Curtis Bigelow

Address of Proposal: 2813 4th Ave West (3029801-LU)
2815 4th Ave West (3030630-LU)

SUMMARY OF PROPOSAL

3029801-LU: Land Use Application to allow a three-story, two-unit townhouse building. Parking for five vehicles proposed. To be considered with project #3030630-LU for shared parking. Existing structure to be demolished.

3030630-LU: Land Use Application to allow a three-story, three-unit rowhouse building. Parking for five vehicles proposed off site at 2813 4th Ave NW. To be considered with project #3029801-LU for shared parking.

The following approval is required:

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-Significance

- ☐ No mitigating conditions of approval are imposed.
- ☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts.

BACKGROUND

The two development sites were created by Lot Boundary Adjustment #3029682-LU. Development of the eastern site (Parcel B of the LBA) includes a three story, three-unit rowhouse building. Parking is provided on the western site (Parcel A of the LBA), development of which includes a three story, two-unit townhouse structure and five parking stalls. The two



development sites are functionally related due to shared pedestrian access and parking.

The site was granted Relief on Steep Slope Development by the SDCI Geotechnical Engineer on February 5, 2018:

“Environmentally Critical Areas (ECA) review is required for this project.]Based on a review of the City GIS system and submitted information, SDCI interprets that the steep slope critical area near the east property line was created by previous legal grading activities associated with development of the subject property and/or right of way for 4th Avenue West. Consequently, this project qualifies for Relief from Prohibition on Steep Slope Development per SMC 25.09.090.B2b. Neither a Steep Slope Area Variance nor ECA Exception is required for this application. Except as described herein, the remaining ECA Regulations will apply, including requirements to submit a topographic survey and geotechnical engineering report.”

The development proposed under 3029801-LU includes removal of an Exceptional Tulip tree. Per SMC 25.11.070.A, the proposal underwent Streamlined Design Review. Streamlined Design Guidance was provided on February 15, 2018. Streamlined Design Review is a Type 1 decision pursuant to SMC 23.76.004.

Site and Vicinity

Site Zone:	Multifamily Lowrise 1 (LR1)
Vicinity Zoning Pattern:	LR1 zoning extends several blocks north of the project site and south to W Armour Street. LR1 zoning continues a half block east across 4 th Ave W and then transitions to LR2 zoning at the alley. To the west, the zoning pattern shifts to Single Family 5000 (SF 5000) across the alley.
Environmental Critical Areas:	Steep slope critical area is located on the west parcel, 2815 4 th Ave W (3030630-LU).
Site Description:	The two development sites are located midblock on the west side of 4 th Ave W. 2815 4 th Ave W is an L-shaped parcel, 3,389 square feet in area, with frontage on 4 th Ave W. 2813 4 th Ave W is a rectangular parcel adjoining the alley. The parcel is 2,958 square feet in area and includes a 44” diameter at breast height(dbh) Exceptional Tulip tree with canopy that covers the majority of the site. The two parcels slope down from west to east, with approximately 24 feet of grade change occurring from the alley to 4 th Ave W. The project sites are currently developed with a single-family residence constructed in 1912.
Vicinity Description:	The project site is located in the Queen Anne neighborhood on the northern slope of Queen Anne Hill. Surrounding development largely includes older, traditional one- and two-story single-family homes with some modern townhome redevelopment projects. Seattle Pacific University is located several blocks to the north, David

Rogers Park is located two blocks east, and Mt. Pleasant Cemetery one block west.

Public Comment:

The public comment period ended on May 7, 2018. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to removal of trees, parking impacts, increased density, application of development standards, height, bulk and scale impacts, view impacts, construction impacts, stability of the steep slope, stormwater, utility service, fire protection, privacy impacts, and the condition of the alley.

A public meeting was held on May 24, 2018. The following comments were received and carefully considered, to the extent that they raised issues within the scope of this review:

- x Concerned with compatibility with the character of the neighborhood.
- x Concerned with removal of the exceptional Tulip tree.
- x Concerned with the condition of the alley.
- x Concerned with height, bulk and scale impacts.
- x Concerned with private view impacts.
- x Concerned with privacy impacts.
- x Concerned with construction impacts.
- x Concerned with development in the steep slope critical area and impacts to slope stability.
- x Concerned with impacts to utility services.
- x Concerned with fire department access and fire protection.
- x Concerned with adequacy of trash storage.
- x Concerned with shadow impacts.
- x Concerned with stormwater impacts.
- x Questioned compliance with development standards including density and FAR requirements.
- x Disagreement with approval of request for Relief from Prohibition on Steep Slope Development.
- x Disagreement with approval of Lot Boundary Adjustment.
- x Noted previous slide activity in area.

I. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 7/14/2018. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: The Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, greenhouse gas, construction traffic and parking impacts, as well as mitigation.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Parking and Traffic

The SEPA checklist indicates that 6,000 cubic yards of excavation will be required. Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted, and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a haul route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at:

<http://www.seattle.gov/transportation/cmp.htm>.

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays.

The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts and no additional SEPA conditioning is necessary to mitigate noise impacts per SMC 25.05.675.B.

Earth / Soils

The ECA Ordinance and Director's Rule (DR) 5-2016 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone and steep slope areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (Geotechnical Engineering Report, 12/19/17, PanGEO Incorporated). The study has been reviewed and approved by SDCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Environmental Health

The existing structure was constructed in 1912. Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the [Toxic Substances Control Act \(TSCA\)](#), [Residential Lead-Based Paint Hazard Reduction Act of 1992](#) (Title X), [Clean Air Act \(CAA\)](#), [Clean Water Act \(CWA\)](#), [Safe Drinking Water Act \(SDWA\)](#), [Resource Conservation and Recovery Act \(RCRA\)](#), and [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: The Renovation, Repair and Painting Program (RRP) and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; and possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas, historic resources, height bulk and scale, and parking warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Historic Preservation

The existing structure on site is more than 50 years old. The structure was reviewed for potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the 107 year old structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 474/18). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Height, Bulk, and Scale

Section 25.05.675.G describes SEPA policies for height, bulk, and scale. SDCI received comments regarding height, bulk and scale impacts to surrounding neighbors. The site is located on the edge of a Single Family 5000 (SF 5000) zone to the west. Existing development in the single-family zone includes primarily two and three-story single family structures, however, the maximum height allowed in the zone is 30-feet. The maximum height allowed in LR1 zones is also 30-feet. The rear façade of the structure which is located across from the single-family zone is primarily two stories in height. In addition, the alley and proposed parking at the rear of the structure provide a buffer to transition from the more intense zoning of the proposed development and the less intense single family zone.

The structure located across from the single family zone (3029801-LU) has also gone through the streamlined design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment. Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies.

SDCI also received comments regarding height, bulk and scale impacts from adjacent neighbors located to the north and south in the same LR1 zone. As outlined in SMC 25.05.675.G.2, it is the City's policy that the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in the Land Use Element of the Comprehensive Plan. The adjacent neighbors are located

within the same LR1 zone where the same development standards regarding height, bulk and scale apply. The Comprehensive Plan future land use map designates this area as multifamily residential use. The height, bulk and scale of the proposal is compatible with the general character of development in multifamily residential areas as described in the Comprehensive Plan. In addition, the design is compatible with the height, bulk and scale of existing older homes in the neighborhood through the use of gable roof forms, projecting bays, and the application of textured materials which reduce the perceived mass.

Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate height, bulk and scale impacts are adequate and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The proposed development includes five residential units with five off-street vehicular parking spaces. The King County Multi-Family Residential Parking Calculator estimates a peak demand for approximately five vehicles from the proposed development. Peak residential demand typically occurs overnight. The number of proposed parking spaces accommodates the anticipated parking demand, and no additional mitigation is warranted per SMC 25.05.675.M.

Plants and Animals

Mature vegetation is located on the site, including one exceptional tree. The topographic survey within the plan set identifies an 8" evergreen tree on the adjacent site to the north with canopy that overhangs the project site. It has been determined that the canopy of this tree does not overhang the project site and the tree will not be removed. The applicant submitted an arborist report (Tree Inventory, 10/6/17, Shoffner Consulting) and identified the exceptional tree [44" dbh Tulip Tree] on the MUP plan set. SDCI's Arborist has reviewed the information.

The applicant submitted information demonstrating compliance with SMC 25.11.070.A.2 and underwent Streamlined Design Review. SDCI has reviewed the proposal and determined that the landscape plan proposes new trees that will replace and exceed the canopy of the existing tree at maturity. No mitigation beyond the Code-required landscaping is warranted under SMC 25.05.675.N.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

- ☐ Mitigated Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SEPA

Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit

1. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: <http://www.seattle.gov/transportation/cmp.htm>.

Allison Whitworth, Land Use Planner _____ Date: February 19, 2019
Seattle Department of Construction and Inspections

AW:bg

Whitworth/3029801-LU & 3030630-LU

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by SDCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource

Center at prc@seattle.gov or to our message line at 206-684-8467.